

STATE OF SOUTH DAKOTA)
) :SS
 COUNTY OF HUGHES)

IN CIRCUIT COURT
 SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
 Plaintiff,)
)
 -v-)
)
)
)
)
 Defendants.)

32CRI23-000

VICTIM IMPACT STATEMENT
 AND
 AFFIDAVIT OF John Doe
 IN SUPPORT OF PROSECUTION

STATE OF SOUTH DAKOTA)
) :SS
 COUNTY OF Calhoun)

John Doe, being first duly sworn upon oath, deposes and states as follows:

1. I am a tax paying citizen.

2. As a citizen of the State of South Dakota, and pursuant to Article 3, Section 5 of the South Dakota Constitution, I believe that citizens within all legislative districts have the right to equal representation in our State Legislature.

3. On January 26th, 2023, the rights, duties, and function of Senator Julie Frye-Mueller, the duly elected State Senator of District 30, were “suspended” based upon the motion of Senators Herman Otten and Michael Rohl, and the statement of Senator Lee Schoenbeck, declaring “I don’t have a statute in front of you; I don’t need one”, establishing the legal basis for the motion, and backed by the vote of 24 additional South Dakota Senators.

4. I believe the affirmative vote of these 27 legislators, upon this basis, to be a violation of South Dakota Codified Law 2-4-7. **Preventing legislator from attending or voting as misdemeanor:**

Every person who intentionally, by intimidation or otherwise, prevents any member of the Legislature of this state from attending any session of the branch of which he is a member, or of any committee thereof, or from giving his vote upon any question which may come before such branch, or from performing any other official act, is guilty of a Class 2 misdemeanor.

5. I believe that as a result of the actions of the following 27 Senators:

Lee Schoenbeck, Jim Bolin, Shawn Bordeaux, Bryan Breitling, Jessica Castleberry, Casey Crabtree, Sydney Davis, Randy Deibert, Michael Diedrich, Helene Duhamel, Jean Hunhoff, David Johnson, Joshua Klumb, Jack Kolbeck, Steve Kolbeck, Liz Larson, Ryan Maher, Jim Mehlhaff, Reynold Nesiba, Al Novstrup, Herman Otten, Tim Reed, Michael Rohl, Kyle Schoenfish, Jim Stalzer, Erin Tobin, and David Wheeler;

that Senator Julie Frye-Mueller was unconstitutionally stripped of her rights, duties, and function of office, and subsequently intimidated, threatened with criminal prosecution, maligned by her fellow legislators, denied access to essential legislative resources and state email communications, deprived of her committee assignments, and her constituents were left disenfranchised and unrepresented.

6. I additionally believe the foregoing conduct to be in violation of SDCL 2-4-6. **Preventing Legislature or members from meeting as felony:**

Every person who intentionally, by force or fraud, prevents the Legislature of this state or either of the branches composing it, or any of the members thereof, from meeting or organizing, is guilty of a Class 4 felony.

Based upon the foregoing, and as a person aggrieved under SDCL 2-4-7 and SDCL 2-4-6, I hereby request recourse, to the full extent of the law of the State of South Dakota, and invoke my victim rights under Marsy’s Law, including specifically my right to reasonable, accurate and timely notice of all proceedings involving the criminal conduct herein, and I further request the administration of the same rights for Senator Julie Frye-Mueller and any and all of her District 30 constituents, and any and every resident of the State of South Dakota who are likewise aggrieved under SDCL 2-4-7 and SDCL 2-4-6.

Respectfully submitted this 26 day of February, 2023.

John Doe Signature
CITIZEN

Subscribed and sworn before me on the 26 day of February, 2023.

NOTARY PUBLIC*SOUTH DAKOTA
My Commission Expires: _____